

### **REMARKS**

Claims 1, 4-10 and 12-16 are currently pending in the application, as amended. Claims 2, 3 and 11 have been cancelled. Claim 4 has been amended to change its dependence from cancelled claim 2 to amended claim 1. Claim 1 has been amended to point out that at least one of a plurality of audible recordings is of a derisive character and the audible recording played by the sound generator is the derisive audible recording when the quality of the at least one activity of the game is unfavorable. Claim 5 has been amended to point out that the at least one of the plurality of audible recordings selected is of a derisive character when the triggering event reflects an undesirable quality of play. Further, method claim 12 has been amended to point out that at least one of the plurality of audible recordings is of a derisive character and the controller takes into account a quality of an impact of a dart on the dart board depending upon the electronically-scored dart game being played and activates an audible recording of the derisive character through the speaker when the quality of the impact is unfavorable. Support for these amendments to claims 1, 5 and 12 can be found in specification paragraphs 15, 17 and 22 and in originally filed claims 3 and 11. No new matter has been added as a result of the above-described amendments to claims 1, 5 and 12.

### **CLAIM REJECTIONS**

#### **Claim Rejections – 35 U.S.C. § 102**

The Examiner rejected claims 1-6, 8 and 10-15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,974,857 (Beall). The Examiner argues that Beall discloses each and every element of claims 1-6, 8 and 10-15. Applicants respectfully traverse this rejection.

Claims 2, 3 and 11 have been cancelled, thereby rendering the rejection of these claims moot.

Referring to Figs. 1-4, Beall is directed to an electronic dart game that provides audible scoring and set up information for a visually impaired person or a handicapped individual. The electronic dart game includes a dartboard 11 mounted to an upright cabinet 12 and a roll out mat 43 having a physically perceptible throwing line 44 mounted within the cabinet 12. A control

panel 40 is mounted to a front of the cabinet 12. The dart game is controlled by a microprocessor 22 that is in communication with a target head switch matrix 25. The matrix 25 is positioned behind the dartboard 11 to sense dart 13 impacts. A speech memory 39, a random access memory 28 for keeping score of the game and a speaker 32 to provide audible indications to the visually impaired user are each in communication with the microprocessor 22.

In operation, the roll out mat 43 is pulled out of the cabinet 12 and positioned such that a visually impaired user is able to physically judge the distance from the dartboard 11 by stepping on the throwing line 44. Manipulation of the control panel 40 permits the user to select a game and the microprocessor 22 prepares and keeps track of a game score. As the user throws the darts 13 at the dartboard 11 and points are scored, the target head switch matrix 25 relays the scores to the microprocessor 22. The microprocessor 22 indicates the scoring information, setup information and general progress of the game to the sight impaired user utilizing the speech memory 39 and the speaker 32. Utilization of the dartboard game of Beall permits a visually impaired individual to play darts without being accompanied by a companion who is not visually impaired.

Referring to Figs. 1-4, the present application is directed to an electronically-scored game and a method of playing the electronically-scored game wherein unfavorable play is heckled by the game or negative or derisive sound recordings are played as a result of unfavorable game play. The electronically-scored game is preferably an electronically-scored dart game 10 and includes an electronic controller 120 and at least one sensor 110 operatively connected to the controller 120. The at least one sensor 110 is adapted to detect at least one activity associated with the game and to generate a signal. A memory 170 stores information corresponding to a plurality of audible recordings and is operatively connected to the controller 120. At least one of the plurality of audible recordings is of a derisive character. A sound generator 180 is operatively connected with the controller 120 and a speaker 184 is operatively connected to the sound generator 180. When the controller 120 detects an activity associated with the game from a signal from the sensor 110, one of the audible recordings is selected and played by the sound generator 180 through the speaker 184. The audible recording played by the sound generator 180 is the derisive audible recording when the quality of the activity of the game is unfavorable. For example, if a dart misses its expected target, poor scores are recorded in a single round, the

player “busts” in a certain game or a player takes too much time to throw a dart, the electronically-scored dart game 10 may play the derisive audible recording to heckle the player.

Amended claim 1 is directed to an electronically-scored game and recites, *inter alia*:

- an electronic controller;
- at least one sensor...;
- a memory storing information corresponding to a plurality of audible recordings ... at least one of the plurality of audible recordings being of a derisive character;
- a sound generator ...; and
- a speaker operatively connected with the sound generator, whereby upon detection of the at least one activity associated with the game, the signal from the sensor activates the controller to cause at least one of the plurality of audible recordings to be selected and played by the sound generator through the speaker, the audible recording played by the sound generator being the derisive audible recording when the quality of the at least one activity of the game is unfavorable.

Applicants respectfully submit that Beall does not teach, suggest or disclose each and every element of amended claim 1. Specifically, Beall does not teach or disclose a memory that stores at least one audible recording of a derisive character and a sound generator that plays the derisive audible character recording when the quality of the at least one activity of the game is unfavorable. As was described above, Beall is directed to an electronic dart game that is adapted for play by handicapped or sight-impaired persons. There is no teaching, suggestion or disclosure in Beall of a derisive audible recording to heckle or deride the handicapped players for unfavorable game play. In the last full paragraph on page 2 of the Office Action, the Examiner indicates that Beall discloses an audible recording of a derisive character at column 7, line 64 to column 8, line 4. This portion of Beall describes audible announcing means for sight-impaired persons where the game announces a winner, performs an end-of-game routine to identify which player has won or to announce that the game is over. However, there is no teaching, suggestion or disclosure in Beall of an audible recording of a derisive nature that is played when the sensed game activities are unfavorable. In fact, to play an audible recording of a derisive character would be completely contrary to the teachings of Beall. Based upon the above, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 1 based upon anticipation by Beall.

Amended claim 4 is dependent upon amended claim 1. Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claim 4 based at least upon its dependence upon claim 1.

Amended claim 5 is directed to an electronically-scored dart game and recites, *inter alia*:

- a dart board;
- at least one dart;
- an electronic controller;
- at least one sensor operatively connected to the controller...;
- a memory storing a plurality of audible recordings...;
- a sound generator operatively connected with the controller; and
- a speaker operatively connected with the sound generator, whereby upon occurrence of a triggering event, the controller selects at least one of the plurality of audible recordings from the memory and activates the sound generator to play the at least one of the plurality of audible recordings through the speaker, the at least one of the plurality of audible recordings selected being of a derisive character when the triggering event reflects an undesirable quality of play.

Applicants respectfully submit that Beall does not teach, suggest or disclose the audible recording of a derisive character that is selected and played when the triggering event reflects an undesirable quality of play, as is claimed in amended claim 5. As was described above, Beall is directed to an electronically-scored dart game for sight-impaired individuals that provides audible indications of the progress of game play, but does not heckle or provide derisive audible cues to the players when an undesirable quality of play is reflected. In fact, to play an audible recording of a derisive character would be completely contrary to the teachings of Beall. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 5 based upon anticipation by Beall.

Claims 6, 8 and 10 are dependent upon amended claim 5. Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claims 6, 8 and 10 based at least upon their dependence on amended claim 5.

Amended claim 12 is directed to a method of playing an electronically-scored dart game and recites, *inter alia*:

- impacting the dart board with the at least one dart;

sensing the position of the impact on the dartboard with the sensor;  
generating the signal from the sensor to the controller;  
activating the controller upon occurrence of a triggering event to  
select at least one audible recording from the memory, which  
takes into account a quality of the impact depending upon the  
electronically-scored dart game being played; and  
activating the sound generator to play the audible recording of the  
derisive character through the speaker when the quality of the  
impact is unfavorable.

Applicants respectfully submit that Beall does not teach, suggest or disclose each and every element of amended method claim 12. Specifically, Beall does not teach, suggest or disclose a method step of activating a sound generator to play an audible recording of a derisive character through a speaker when the quality of impact of a dart on the dartboard is unfavorable. Beall discloses a dart game for sight-impaired or handicapped persons, which provides audible cues related to game play. However, there is no teaching, suggestion or disclosure in Beall of a method step involving derisive audible recordings being played based upon unfavorable game play. In fact, as was noted above, to play an audible recording of a derisive character would be completely contrary to the teachings of Beall. Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 12 for the above-recited reasons.

Claims 13-15 are dependent upon amended claim 12. Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claims 13-15 based at least upon their dependence upon amended claim 12.

### **Claim Rejections – 35 U.S.C. § 103**

The Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Beall in view of U.S. Patent No. 5,642,886 (Yancey). The Examiner argues that Beall discloses each and every element of currently pending claim 9 except for providing a game level difficulty input switch, which the Examiner indicates Yancey discloses. The Examiner further argues that it would have been obvious for one having ordinary skill in the art to modify the audible game setup mode described in Beall by allowing a user to select a game difficulty level, in order to adjust the level of play according to a user's skill level based upon the disclosure in Yancey. Applicants respectfully traverse this rejection.

Yancey is directed to a method of playing a simulated golf game using a dart and a dart board and includes a feature that allows a user to select a difficulty level and to thereby adjust the level of play (See Col. 6, line 66 – Col. 7, line 3).

Claim 9 is dependent upon amended claim 5. Amended claim 5 includes the element of an audible recording of a derisive character being selected and played when a triggering event of a dart game reflects an undesirable quality of play. Applicants respectfully submit that Beall and Yancey do not teach, suggest or disclose an audible recording of a derisive character played when a triggering event reflects an undesirable quality of play and, even if Beall and Yancey were properly combined, the combined dart game would not include each and every element of amended claim 5. Specifically, the combined dart game of Beall in view of Yancey would not include the audible recording of a derisive character.

In addition, one having ordinary skill in the art would not modify Beall to include a derisive audible recording. One having ordinary skill in the art reviewing Beall would understand that the audible cues for the dart game of Beall are provided to guide handicapped or sight-impaired persons through the dart game and would not modify the dart game described in Beall to include derisive or heckling audible recordings to deride or heckle the dart play of a handicapped, sight-impaired or potentially blind dart player. Based upon the above, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claim 9 based upon unpatentability over Beall in view of Yancey based upon its dependence upon amended claim 5.

The Examiner rejected claims 7 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Beall in view of U.S. Patent No. 5,971,397 (Miguel). The Examiner argues that Beall discloses each and every element currently pending claims 7 and 16 except for explicitly disclosing an on/off switch to enable and disable playing of the at least one of the plurality of audible recordings. The Examiner further argues that Miguel teaches a volume control for an electronic dart board and it would have been obvious to one having ordinary skill in the art to modify the audio control described in Miguel, by providing volume control, in order to enable, disable, or adjust volume to a user's desired level. Applicants respectfully traverse this rejection.

Miguel is directed to an automated electronic dart game that includes volume control.

Claim 7 is dependent upon amended claim 5 and claim 16 is dependent upon amended claim 12. Amended claim 5 includes the element of at least one of a plurality of audible

recordings selected being of a derisive character when a triggering event reflects an undesirable quality of play. Amended claim 12 includes the method step of activating a sound generator to play an audible recording of a derisive character through a speaker when the quality of impact of a dart on a dartboard is unfavorable.

Applicants respectfully submit that even if Beall and Miguel were properly combined, the combined electronically-scored dart game would not include each and every element of currently pending, amended claims 5 and 12. Specifically, Applicants respectfully submit that no combination of Beall in view of Miguel would include a derisive audible recording played when a triggering event reflects an undesirable quality of play or a method step of activating a sound generator to play an audible recording of a derisive character through a speaker when the quality of impact of a dart on a dart board is unfavorable. Further, one having ordinary skill in the art would not modify the electronically-scored dart game for sight-impaired persons of Beall to include derisive or heckling audible recordings to deride or heckle the dart play of sight-impaired persons. Based upon the above, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claims 7 and 16 based upon unpatentability over Beall in view of Miguel based at least upon their dependence upon amended claims 5 and 12, respectively.

**CONCLUSION**

In view of the foregoing Amendment and remarks, Applicants respectfully submit that the present application including claims 1, 4-10 and 12-16, as amended, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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